

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
YOSHIMURA, Y., ET AL.

Serial No: 09/523619

Mark: AQUEOUS GLITTERING INK  
COMPOSITION

Filed: March 13, 2000

Attorney Docket No: 423-P-024

Examiner: Shosho, C.  
Group Art Unit: 1714

DECLARATION OF HIROYOSHI YAMAMOTO

Hiroyoshi Yamamoto, hereby declares that

1. I am a Senior Manager in the laboratory of Sakura Color Products Corporation ("Sakura"), the assignee of the above-identified patent application;
2. I received a Bachelor's Degree in Applied Chemistry from Osaka University in 1976 and a Master's Degree in Applied Chemistry from Osaka University in 1978.
3. The field or technical art that relates to the claims of the above-identified U.S. patent application is the formulation of ink compositions for writing instruments and the design of writing instruments for ink compositions.
4. I have 25 years of experience in this field, having worked for Sakura Color Products Corporation doing laboratory work.
5. As of the time of filing Japanese Patent Application No.11-076868 on March 19, 1999, a person of ordinary skill in the art relevant to the claims of the above identified U.S. patent application would not have considered those claims as obvious in view of the disclosure of U.S. Patent No. 3,053,683 to Yolles whether taken alone or in combinations with other information.
6. As of the time of March 19, 1999, a person of ordinary skill in the art relevant to the claims of the above identified U.S. patent application would not have considered the disclosure of U.S. Patent No.3,053,683 to Yolles as a source of information for a glittering material for an aqueous glittering ink composition or a writing tool having an ink container in which an aqueous glittering ink composition is packed or a method for using an aqueous glittering ink composition for a writing tool.
7. As of the time of March 19, 1999, when a person of ordinary skill in this art considered the problem of how to make a written mark that glittered, ~~the~~ person

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would have in mind the technical specifications of how a writing instrument makes a written mark with an ink. That is, the person would know that an ink must flow through the writing tool in such a way as to form a satisfactory mark, a mark that is legible and uniform, without clogging or wearing the writing tool.

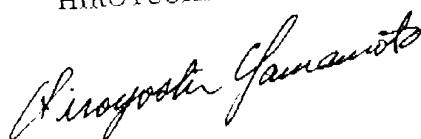
8. As of the time of March 19, 1999, therefore, with this background knowledge of the requirements for forming a satisfactory mark with a writing tool in mind, one of ordinary skill in the art of formulating writing inks and designing writing tools would not look to glass flake particles as a possible glittering material because that person would know that glass flake particles were flat and had sharp edges and that these characteristics would teach against using glass flake pigment as a glittering material in that art.

9. I understand the English language text of this declaration.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the identified application or any patent issued thereon.

Executed: October 7, 2002

HIROYOSHI YAMAMOTO



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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In re Application of  
YOSHIMURA, Y., ET AL.  
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GROUP 1714*

DECLARATION OF HIKOSHIRO NISHIMURA

I, Hikoshiro Nishimura, declare that:

1. I am the Director at Sales Planning Division of Sakura Color Products Corporation ("Sakura"), the assignee of the above-identified patent application;
2. I have been employed by Sakura in the field of sales planning since 1983.
3. Sakura manufactures and sells ball-point pen writing instruments having an ink container in which an aqueous glittering ink is packed, wherein said aqueous glittering ink composition comprises a glass flake pigment coated with a metal and having a median diameter of about 5 to about 100  $\mu\text{m}$ , a water-soluble resin, a water-soluble organic solvent and water.
4. The writing instruments described in the preceding paragraph 3 are sold under the trademark "TIARA" in Japan and under the trademark "GELLY ROLL STARDUST" outside Japan. A true copy of a catalog of "TIARA" writing instruments is attached as Exhibit A. A true copy of a catalog of "GELLY ROLL STARDUST" writing instruments is attached as Exhibit B.
5. The worldwide sales of the writing instruments that use the ink composition identified in paragraph 3 are as follows:

WORLDWIDE SALES\*

		2000**	2001**	2002**
Number of pens sold	Total	24,361,000	38,571,000	11,323,000
	Japan	12,996,000	16,049,000	3,648,000
	Overseas	11,365,000	22,523,000	7,675,000
	Of overseas	(5,000)	(11,185,000)	(3,665,000)

		USA		
Sales amount	Sales in Japan only (Yen)	650,000,000	802,000,000	182,000,000
	Sales in U.S. only (Dollar)	3,000	6,655,000	2,181,000

\*Sales by Sakura and its affiliates

\*Each year represents October to September (with an exception of year 2002, which represents October to June)

6. The amount of money spent worldwide on advertising and promoting the writing instruments identified in paragraph 3 is the same as that for other writing instruments in their first two years of sale.

7. The writing instruments identified in paragraph 3 were the following percentage of the sales of all gel-type ink, ball-point pens that used pigment as a coloring material that were sold by Sakura.

2000	2001	2002
15%	50%	Not available

8. It is my opinion that the writing instruments identified in Paragraph 3 are commercially successful.

9. I understand the English language text of this declaration.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the identified application or any patent issued thereon.

Executed October 9, 2002

*H. L. Nishimura*  
HIKOSHIRO NISHIMURA

**EXHIBIT A**



# SAKURA



## COLOR PRODUCTS

## CORPORATION

## 2001 COLLECTION

11/26/2002 17:12 2122680904  
02-61-51-916 〔株〕サクラクレバス

STOLL MISKIN  
ミスクイン

PAGE 13

お問い合わせ、ご注文は…

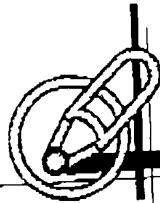


株式会社 サクラクレバス

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大阪支店 〒542-0022 大阪府大阪市北区天王寺3-15-11 TEL(06)6334-3851  
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名古屋支店 〒460-0316 名古屋市中区栄1-1-9 TEL(052)222-5550  
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Received from <2122680904> at 11/26/02 5:12:04 PM [Eastern Standard Time]

**EXHIBIT B**



GEI INK PENS

## 啫 嘿 墨 水 笔

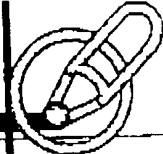
BOLIGRAFOS TINTA-GEL

**ENJOY THE NEW SPARKLING  
EFFECTS IN 12 COLORS!**

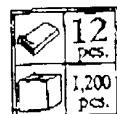
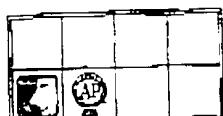


• Golden-Star (v10)	★ Copper-Star (v10)	★ Red-Star (v10)
★ Pink-Star (v10)	★ Rose-Star (v10)	★ Purple-Star (v10)
★ Sky-Star (v10)	★ Lime-Star (v10)	★ Green-Star (v10)
★ Blue-Star (v10)	★ Marine-Star (v10)	★ Silver-Star (v10)

## GEL INK PENS 墨水笔 BOLIGRAFOS TINTA-GEL

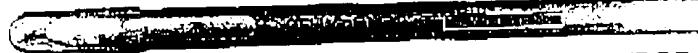
**Gelly Roll**

Stardust



XPGB# 705 719 720 721 724 725 727 729 736 738 744

 XPGB#703

 XPGB#705

 XPGB#719

 XPGB#720

 XPGB#721

 XPGB#724

 XPGB#725

 XPGB#727

 XPGB#729

 XPGB#736

 XPGB#738

 XPGB#744

# 21st CENTURY COLLECTION

## SAKURA COLOR PRODUCTS CORPORATION

### EXPORT EDITION





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PLEASE CONTACT YOUR LOCAL AGENT.